

## **IC 9-30-15**

### **Chapter 15. Open Alcoholic Beverage Containers; Consumption of Alcohol in Motor Vehicles**

#### **IC 9-30-15-1**

##### **"Alcoholic beverage"**

Sec. 1. As used in this chapter, "alcoholic beverage" has the meaning set forth in IC 7.1-1-3-5.

*As added by P.L.53-1994, SEC.11.*

#### **IC 9-30-15-2**

##### **"Container"**

Sec. 2. As used in this chapter, "container" has the meaning set forth in IC 7.1-1-3-13.

*As added by P.L.53-1994, SEC.11.*

#### **IC 9-30-15-3**

##### **Open alcoholic beverage container during operation of motor vehicle; Class C infraction**

Sec. 3. (a) This section does not apply to the following:

(1) A container possessed by a person, other than the operator of the motor vehicle, who is in the:

(A) passenger compartment of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

(B) living quarters of a house coach or house trailer.

(2) A container located in a fixed center console or other similar fixed compartment that is locked.

(3) A container located:

(A) behind the last upright seat; or

(B) in an area not normally occupied by a person; in a motor vehicle that is not equipped with a trunk.

(b) A person in a motor vehicle who, while the motor vehicle is in operation or while the motor vehicle is located on the right-of-way of a public highway, possesses a container:

(1) that has been opened;

(2) that has a broken seal; or

(3) from which some of the contents have been removed;

in the passenger compartment of the motor vehicle commits a Class C infraction.

(c) A violation of this section is not considered a moving traffic violation:

(1) for purposes of IC 9-14-3; and

(2) for which points are assessed by the bureau under the point system.

*As added by P.L.53-1994, SEC.11. Amended by P.L.33-1997, SEC.15; P.L.1-2000, SEC.14; P.L.209-2005, SEC.1; P.L.290-2013, SEC.1.*

#### **IC 9-30-15-4**

**Consumption of alcohol while operating a motor vehicle; Class B infraction**

Sec. 4. The operator of a motor vehicle who knowingly consumes an alcoholic beverage while the motor vehicle is being operated upon a public highway commits a Class B infraction.

*As added by P.L.53-1994, SEC.11.*